

CAUSE NO. DC-23-03337

JOSEPH DOWDALL,	§	IN THE 68 th JUDICIAL
<i>Plaintiff – Arbitration Respondent –</i>	§	
<i>Judgment Debtor,</i>	§	
	§	
v.	§	DISTRICT COURT
	§	
MMWKM ADVISORS, LLC, and KEN	§	
MORAIF,	§	
<i>Defendants – Arbitration Claimants –</i>	§	DALLAS COUNTY, TEXAS
<i>Judgment Creditors.</i>	§	
	§	

**CLAIMANTS’ SECOND SET OF POST-JUDGEMENT
INTERROGATORIES, REQUESTS FOR ADMISSION, AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

To: Judgment Debtor, Joseph Dowdall, by and through his current attorney of record, Gerrit Pronske, SPENCER FANE LLP, 5700 Granite Parkway, Suite 650, Plano, Texas 75024.

Pursuant to Texas Rules of Civil Procedure 196 and 621a, Claimants MWKM Advisors, LLC, Ken Moraif (“Claimants,” “Arbitration Claimants,” or “Judgment Creditors”), hereby request that on behalf of Joseph Dowdall (“Respondent,” “Arbitration Respondent,” or “Judgment Debtor”) you serve on the undersigned counsel of record for Judgment Creditors, within thirty (30) days after the date of service, your response, in writing, the following Second Set of Interrogatories, Second Set of Requests for Admission, and Second Set Requests for Production of Documents in Aid of Enforcement of the Order Confirming Arbitration Award and Final Judgment dated July 11, 2023, and the Order for Turnover Relief dated October 23, 2023.

Please take notice that the documents and other tangible items requested herein are to be produced to the undersigned counsel of record for Judgment Creditors for inspection and copying, within thirty (30) days after service of these First Post-Judgment Interrogatories, Requests for Admission, and Requests for Production, at the offices of FOSTER YARBOROUGH PLLC, 917

Franklin Street, Suite 220, Houston, Texas, unless some other date, time and place are mutually agreed upon in advance and in writing.

Judgment Creditors also hereby demand that Judgment Debtor Joseph Dowdall immediately update his responses to Judgment Creditors' First Sets of Interrogatories, Requests for Admissions, and Requests for Production.

I. DEFINITIONS

As used herein, certain terms have specific meanings as defined in this section:

1. As used in this request, the words “person” or “persons” include natural persons, firms, partnerships, associations, joint ventures, corporations, and businesses operating under an assumed name.

2. As used in this request, the terms “you” and “your” shall refer to Joseph Dowdall, the Plaintiff, Arbitration Respondent, and Judgment Debtor in this case, and/or his attorneys, investigators, agents, employees, and other representatives.

3. As used in this request and subpoena, the words “document” or “documents” mean the original, or a copy thereof, if the original is not available, of every written, printed, typed, recorded, reported, or graphic record or material, including every draft and/ or non-identical copy thereof, of every type and description that is in the actual or constructive possession, control, or custody of you or your attorneys, including, but not limited to, all correspondence, letters, communications, e-mails, text messages, memoranda, notes, agreements, contracts, proposed contracts or agreements, whether or not actually consummated, reports, logs, studies, summaries, agendas, bulletins, notices, announcements, instructions, charts, manuals, models, graphs, photographs, brochures, publications, books, minutes, including minutes of board of directors’ meetings, and executive committee meetings, partnership meetings and managing or executive partnership committee meetings, computer print-outs, schedules, drawings, video and voice recordings, simulations, intra and inter-company memoranda, articles of newspapers, magazines and other publications, telegrams, purchase orders, lists, proposals, invoices, plans, specifications, addenda, statements, receipts, confirmation slips, evidence of payments, bills, diaries, calendars,

bills of lading, cancelled checks, and any copy of a document bearing notations, markings or writing of any kind or nature different from the original.

II. INSTRUCTIONS

1. If any document requested herein was, but is no longer, in your custody, control or possession, state with particularity the disposition made of each such document, including the date of, method of and reason(s) for such disposition and the name address, if known, of any person who has seen the document or who now has custody, control or possession thereof.

2. Possession, custody, and control does not require that you have actual or physical possession; instead, if you have physical control or a superior right to compel production from another, the document must be produced.

3. If any document requested herein is objected to or withheld pursuant to a claim of privilege, please provide the following information with respect to such document:

- (a) Date;
- (b) Author(s), and their title or position;
- (c) Addressee(s), and their title or position;
- (d) Person(s) receiving a copy, and their title or position;
- (e) General description of subject matter (e.g., opinion or counsel on merits of claim);
- (f) The nature of the privilege claimed (e.g., attorney client, work product, etc.); and
- (g) State the factual and legal basis for the claim of such privilege (e.g., communication between attorney for corporation and outside counsel relating to acquisition of legal advice).

4. These document requests shall be continuing, and you shall produce for inspection and copying by Judgment Creditors any document requested herein which is unavailable to you at the time you submit your response hereto, but which becomes available to you at any time prior to payment of the Judgment that was obtained in this cause.

SECOND POST-JUDGMENT INTERROGATORIES

Interrogatory No. 22:

Describe in detail all income LJ Dowdall Financial, LLC has received pursuant to your efforts, clients, or Worth Asset Management, LLC from July 21, 2021 to the present.

Interrogatory No. 23:

State and describe in detail any transfers of ownership of any of your assets with cash value above \$1,000.00 on or after July 11, 2021, including the recipients of any such transfers of ownership of any of your assets, including without limitation payment rights or anything under your influence coming from Worth Asset Management, LLC.

Interrogatory No. 24:

State in dollars the amount of assets under your custody—related to clients you serviced during your final 6 months as an Investment Advisor Representative of MMWKM Advisors, LLC—as of today.

Interrogatory No. 25:

Describe in detail any arrangement you currently have to pay third parties (including but not limited to LJ Dowdall Financial LLC) any portion of the fees Worth Asset Management, LLC charges to clients you serviced during your final 6 months as an Investment Advisor Representative of MMWKM Advisors, LLC.

SECOND POST-JUDGMENT REQUESTS FOR ADMISSION

Request for Admission No. 76:

Admit that you have received the Order for Turnover Relief, dated August 23, 2023.

Request for Admission No. 77:

Admit that you asked Worth Asset Management, LLC to make payments for fees related to clients you serviced during your final 6 months at MMWKM Advisors, LLC to LJ Dowdall Financial, LLC in 2023.

Request for Admission No. 78:

Admit that you have been paid by LJ Dowdall Financial, LLC after July 11, 2023.

Request for Admission No. 79:

Admit that you have not paid any money to satisfy the Order Confirming Arbitration Award and Final Judgment entered by this Court, which was dated July 11, 2023.

Request for Admission No. 80:

Admit that you are paid a wage or salary by LJ Dowdall Financial, LLC that is less than \$20 per hour.

SECOND POST-JUDGMENT REQUESTS FOR PRODUCTION

Request for Production No. 36:

Produce all agreements you have signed with Worth Asset Management, LLC.

Request for Production No. 37:

Produce non-privileged documents sufficient to show when you received notice of the Order for Turnover Relief dated August 23, 2023.

Request for Production No. 38:

Monthly statements for every financial institution account, including but not limited to bank accounts, investment accounts, cryptocurrency wallets, cryptocurrency trading accounts, foreign-exchange trading accounts, and securities trading accounts, in which you have been a signatory or owner since July 11, 2021.

Request for Production No. 39:

Documentation of all checks and wire transfers for every financial institution account in which you have been a signatory or owner since July 11, 2021.

Request for Production No. 40:

Copies of the articles of incorporation, Secretary of State charters, operating agreements, membership agreements, and all documents of creation and ownership of any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you hold or have held an interest since January 1, 2022, including without limitation LJ Dowdall Financial, LLC.

Request for Production No. 41:

Bills of sale owned by you or any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you currently hold or have held an interest (legal or beneficial) since July 11, 2021.

Request for Production No. 42:

Real property deeds and deeds of trust, regardless of date, owned or interest held by you or any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you currently hold or have held an interest (legal or beneficial) since July 11, 2021.

Request for Production No. 43:

Business journals, ledgers, accounts payable and receivable files belonging to you or any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you currently hold or have held an interest (legal or beneficial) since July 11, 2021.

Request for Production No. 44:

Pledges, security agreements, and copies of financial statements owned by you or any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you currently hold or have held an interest (legal or beneficial) since July 11, 2021.

Request for Production No. 45:

State sales and franchise tax reports filed by you or any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you currently hold or have held an interest (legal or beneficial) since July 11, 2021.

Request for Production No. 46:

Any other record or document evidencing any ownership to real or personal property or to any debt owed or money had, regardless of date, owned or interest held by you or any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you currently hold or have held an interest (legal or beneficial) since July 11, 2021.

Request for Production No. 47:

All personal property returns filed with any taxing authority, including but not limited to any Central Appraisal District, filed by you or any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you currently hold or have held an interest (legal or beneficial) since July 11, 2021.

Request for Production No. 48:

All documents listing or summarizing property owned by or held by you or any limited liability company, professional corporation, corporation, general partnership, limited partnership, trust, or any other corporate entity or assumed name in which you currently hold or have held an interest (legal or beneficial) since July 11, 2021.

Request for Production No. 49:

Credit applications and other documents stating your financial condition since July 11, 2021.

Request for Production No. 50:

All your personal credit reports since July 11, 2021.

Request for Production No. 51:

All your business credit reports since July 11, 2021.

Request for Production No. 52:

All your personal credit-card statements since July 11, 2021.

Request for Production No. 53:

All your business credit-card statements since July 11, 2021.

Request for Production No. 54:

All your contracts with Worth Asset Management, LLC, effective at any point from January 1, 2021 to the present, including but not limited to any Investment Advisor Representative Agreement(s), including any agreements naming others besides yourself as the recipients of payments or owners of payments rights, including without limitation LJ Dowdall Financial, LLC.

Request for Production No. 55:

All contracts with Worth Asset Management, LLC that you entered on behalf of Dowdall Financial LLC or any other business entity you have ever controlled, effective at any point from January 1, 2021 to the present, including but not limited to any Investment Advisor Representative Agreement(s).

Request for Production No. 56:

All contracts by or between Worth Asset Management, LLC and LJ Financial, LLC from January 1, 2021 to the present, including but not limited to any Investment Advisor Representative Agreement(s).

Request for Production No. 57:

All contracts by or between Worth Asset Management, LLC and LJ Financial, LLC from January 1, 2021 to the present, including but not limited to any Investment Advisor Representative Agreement(s).

Request for Production No. 58:

All contracts by or between you and Spencer Fane LLP on or before October 5, 2022.

Request for Production No. 59:

Monthly statements for every financial institution account, including but not limited to bank accounts, investment accounts, cryptocurrency wallets, cryptocurrency trading accounts, foreign-exchange trading accounts, and securities trading accounts, in which LJ Dowdall Financial, LLC has been an owner since July 11, 2021.

Dated: October 27, 2023

Respectfully submitted,

AHMAD, ZAVITSANOS & MENSING, P.C.

FOSTER YARBOROUGH PLLC

/s/ Ryan Hackney

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*Counsel for MMWKM Advisors, and Kenneth
Moraif*

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2023, a true and correct copy of the foregoing was served to all counsel of record via eFileTexas.gov as follows:

Gerrit Pronske

SPENCER FANE LLP

5700 Granite Parkway, Suite 650

Plano, Texas 75024

/s/ Patrick Yarborough

Patrick Yarborough